UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	ζ x	
UNITED STATES OF AMERICA	: : :	19 Cr. 374 (JMF)
- v -	:	<u>ORDER</u>
MICHAEL AVENATTI,	:	
Defendant.	: : :	
	X	

JESSE M. FURMAN, United States District Judge:

Attached is a final version of the jury questionnaire that the Court will use in this case. As the parties will see, the Court has adopted the Government's proposed changes to the list of names, *see* ECF No. 230, and (at Questions 51 and 52) a variation on Defendant's second proposed question, *see* ECF No. 231. The Court denies Defendant's other request because, among other things, the issue is adequately covered by Questions 49 and 50.

The Clerk of Court is directed to terminate ECF No. 231.

SO ORDERED.

Dated: January 12, 2022

New York, New York

ESSE M. FURMAN United States District Judge

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
UNITED STATES OF AMERICA	X : :	
-V-	:	19 Cr. 374 (JMF)
MICHAEL AVENATTI,	:	JURY QUESTIONNAIRE
Defendant.	: :	
	X	

JUROR INSTRUCTION SHEET

You may be required to return for the next phase of jury selection on either January 20 or 21, 2022. PLEASE RETAIN THIS SHEET AND CALL (212) 805-0158 ON JANUARY 19, 2022, AFTER 6:00 P.M. for further reporting instructions. Please bring this instruction sheet with you to the courthouse if you are instructed to return.

Juror	Number:	
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PRELIMINARY INSTRUCTIONS

Please read the following instructions carefully before completing any portion of this questionnaire. Please print your juror number in the space provided at the top of **each** page. Please answer each and every question by circling your response or by providing the information requested. Please answer each question fully. Some questions have more than one part.

YOU ARE SWORN UNDER PENALTY OF PERJURY TO GIVE TRUE AND COMPLETE ANSWERS TO ALL QUESTIONS IN THIS QUESTIONNAIRE. Please take your time and read each question carefully. This questionnaire is designed to help simplify and shorten the jury selection process. The purpose of the questionnaire is to determine whether prospective jurors can decide this case impartially based upon the evidence presented at trial and the legal instructions given by the presiding judge. The questions are not intended to inquire unnecessarily into personal matters. Although some of the questions may appear to be of a personal nature, please understand that the Court and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all questions to the best of your ability. If you do not know the answer to a question then write "I don't know." There are no "right" or "wrong" answers, only truthful answers. If you have strong feelings about this case, please share them. Although you may be a perfectly good juror for another case, this may or may not be the right case for you to sit on as an impartial juror. Both parties have the right to get honest answers and to hear your true opinions. Do not discuss the case or your answers with anyone. It is important that the answers be yours alone. Remember, you are sworn to give true and complete answers to all questions.

If you need extra space to answer any question, please use the blank pages following the Declaration at the end of the questionnaire. Be sure to indicate in that space the number of the question you are answering. Do not write anything on the back of any page. Whether you use the additional pages at the end or not, **please make sure that you sign the Declaration.** You may not complete the Jury Questionnaire without signing the Declaration.

DO NOT DISCUSS THE QUESTIONS, YOUR ANSWERS, OR THE CASE WITH ANYONE, NOW OR UNTIL FURTHER INSTRUCTED BY THE COURT. You should not discuss the questions or answers with fellow jurors. (If you have any questions about filling out the questionnaire, please ask a member of the Court's staff.) It is critical that your answers be your own individual answers. More broadly, do not discuss the case with anyone, including the lawyers (except in the presence of the Court), your fellow jurors, your family, your friends, or anyone else. Do not communicate about the case in any way, including telephone, e-mail, any social media app or website (such as Facebook), or any communications app or website (such as Twitter). You must also avoid reading or hearing about the case (or anyone participating in the case) in newspapers, in magazines, on the radio or television, or on the Internet.

DO NOT DO YOUR OWN RESEARCH ON THE CASE. Do not conduct any research into the case (or anyone participating in the case, including but not limited to Michael Avenatti; Stephanie Clifford, who is also known as Stormy Daniels; or counsel) at any time before your entire jury service has been completed. That includes performing Internet searches, asking other people about the case, reading news stories, books, or reports about the case, or watching films or television programs that relate to the case. Do not read, watch, or listen to any information

Juror Number:	
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about this case or the individuals participating in the case. If you are exposed to any such information, please alert the Court's staff immediately.

CONFIDENTIALITY: If you believe that any of your answers contain private information that could embarrass you or otherwise seriously compromise your privacy and wish to request that the Court keep them confidential and not distribute them beyond the judge and counsel, you may indicate that in the last question of this questionnaire. (Please identify the <u>specific</u> answer or answers that you believe should remain confidential.)

SUMMARY OF THE CASE

The Court is selecting a jury for a three- to four-week trial. Jury selection will continue on either Thursday, January 20, 2022, or Friday, January 21, 2022, after which trial will begin. Thus, the proceedings should end no later than Friday, February 18, 2022.

This is a criminal case. The defendant, Michael Avenatti, has been charged in an indictment with wire fraud and aggravated identity theft. The indictment is not evidence. It simply contains the charges — referred to as "counts" — that the Government intends to prove to the jury at trial beyond a reasonable doubt.

The indictment contains two counts. Count One charges that Mr. Avenatti devised a scheme to defraud his client, Stephanie Clifford, also known as "Stormy Daniels," by taking for himself payments due to Ms. Clifford pursuant to a book contract. The Government further alleges that Mr. Avenatti falsely represented to Ms. Clifford that the payments had not been made. Count Two charges that Mr. Avenatti used Ms. Clifford's identity — specifically, her name and signature — without her permission, namely on a document in which he allegedly falsely represented to Ms. Clifford's book agent that Ms. Clifford had given authorization for the payments to be sent by wire to an account controlled by Mr. Avenatti.

Mr. Avenatti has pleaded not guilty to both charges and denies these allegations. Mr. Avenatti is presumed innocent and that presumption of innocence continues unless or until you determine that the Government has proved each element of the crimes charged beyond a reasonable doubt.

(Please turn the page and read and complete the entire questionnaire.)

Juror	Number:	
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PLEASE ANSWER ALL QUESTIONS <u>TRUTHFULLY AND COMPLETELY</u>:

TRIAL SCHEDULE AND PERSONAL HARDSHIP

Potential jurors will be called back for further questioning and jury selection on either Thursday, January 20, 2022, or Friday, January 21, 2022. Trial will commence immediately thereafter. Generally, trial will be held five days per week, Monday through Friday, from 9:00 a.m. until 3:00 p.m., with one (and only one) half hour break during the day. The trial is expected to last up to four weeks (ending no later than Friday, February 18, 2022).

If you are selected as a juror, you will be required to be present for the taking of testimony and evidence for as long as the trial lasts. There are no plans to sequester the jury, which means you will go home every day after court.

The Court views service on a jury to be one of the highest duties a citizen owes to the United States. Mere inconvenience or the usual financial hardship of jury service will not be sufficient to excuse a prospective juror. You must show extraordinary personal or financial hardship to be excused from service.

	xist such that serving on the jury in this case would entail me inconvenience? (Please circle.)
Yes	No
If the answer to the prev hardship or extreme inco	ious question was yes, please briefly describe the undue onvenience:
Do you have any difficu circle.)	lty reading, speaking, or understanding English? (Please
Yes	No
	from giving your full attention to all of the evidence presented
that would prevent you t	m with your hearing or vision or any physical or medical issue from giving your full attention to all of the evidence presented e circle.) No

Whether or not you claim a hardship, you must complete the rest of this questionnaire.

Inron	Number:	
Juror	Niimber:	

BACKGROUND

	How old are you?
	Are you a citizen of the United States? (Please circle.) Yes No
	In what county of New York do you live?
	Approximately how long have you lived in that county?
	In what other county or counties, if any, have you lived in the last five years?
	Who are the other members of your household, if any, and what, if anything, do they do for work?
	Do you have grown children? If so, how many and what, if anything, do they do for work?
	What newspapers or magazines do you read on a regular basis?
	What television channels or shows, including streaming services, do you watch on a regular basis?
•	

					Juror Numbe	r:
magazines, te	levisio	n shows,	radio shov	vs, podcasts, or	what print newspap internet/app news o on a regular basi	site(s)
unions? If so	, pleas	e list the g	group and	•	ations, organization volvement and list	
What do you	like to	do in you	ır spare tin	ne?		
Have you eve	er serve	ed as a jur	or? (Pleas	e circle.)		
Yes				N	lo	
				as yes, please of any case was	complete as approp	oriate (but
a.		Cases	vertiet in	any case was)•	
	er of t					
Numb			F	ederal cases		State cases
	1.	If you has the	th: Was the nave served blank space	e jury asked to d as a juror in r	reach a verdict? (more than one civil of this question to i rial.)	Please circle. trial, please
			Yes	No		

	2.	you have served the blank space	as a juror in more	a verdict? (Please circle. If than one civil trial, please use question to indicate your al.)
		Yes	No	
	3.	served as a juro	in more than one at of this question t	? (Please circle. If you have civil trial, please use the blank o indicate your "Yes" or "No"
		Yes	No	
b.	Crimi	nal Cases		
Numb	er of tir	nes:		
Numb	er of:		Federal cases	State cases
	1.	If you have serve please use the bar	ed as a juror in mo	each a verdict? (Please circle. ore than one criminal trial, ght of this question to indicate the trial.)
		Yes	No	
	2.	you have served use the blank sp	as a juror in more	a verdict? (Please circle. If than one criminal trial, please this question to indicate your al.)
		Yes	No	
	3.	served as a juro	in more than one ne right of this que	? (Please circle. If you have criminal trial, please use the stion to indicate your "Yes" or
		Yes	No	
c.	Grand	Jury		
Numb	er of tir	•		
Numb	er of:		Federal cases	State cases

differs from the burdens of have previously served as	Among other things, that means that the burden of proof of proof that apply in a civil case or in the grand jury. <u>If you</u> s a juror in a civil case or on a grand jury, would you be able
to follow the Court's inst (Please circle.)	cructions with respect to the burdens that apply in this case?
Yes	No
	erved as a juror, was there anything about your jury experience able to be fair and impartial in this case? (Please circle.)
Yes	No
If the answer to the previ difficult for you to be imp	ous question was yes, please describe why it would be partial:

Inror	Number:	
Juror	Number:	

EDUCATION & EMPLOYMENT

	you attended graduate or professional school, please specify your area of study an hat degree you received, if any:
If	you are currently employed, please tell us about your job:
D	you work more than one job?
W	here do you work?
W	hat is your job description?
Н	ow long have you worked at your job?
<u>If</u>	you have held your current job for fewer than five years, what did you do previou
<u>If</u>	you are retired:
W	hen did you retire?
Н	ow long did you work at your last job?
W	hat was your title or job description?
<u>If</u>	you are not employed outside the home, are you (select any/all that apply): A student? If so:
	Where do you attend school?
	How many days a week do you attend?
	A homemaker?
	Between jobs? If so, what is your usual employment?
	Disabled? What is the nature of the disability that prevents you from working

Juror Number:

KNOWLEDGE AND OPINIONS OF THE CASE AND PARTIES

past or present dealings wi circle.) To "personally kno have heard someone's name	er of your family or a close friend <u>personally</u> know or have th Mr. Avenatti or any of his family members? (Please ow" means to have some direct or personal knowledge. If you he through media or social media, for example, that is not
personal knowledge. Yes	No
family, or a close friend pe and whether your relations	us question was yes, please state how you, a member of your ersonally know Mr. Avenatti or any of his family members, whip with him or any of his family members might make it r and impartial juror in this case.
Before today, had you read against Mr. Avenatti? (Ple	d, seen, or heard anything about criminal charges brought ease circle.)
Yes	No
	us question was yes, please state what you remember hearing us may have heard (e.g., a friend, the newspaper, a website).
	may have read, seen, or heard about criminal charges brough re today, had you read, seen, or heard anything else about ele.)
Yes	No
	us question was yes, please state what you remember hearing us may have heard about Mr. Avenatti (e.g., a friend, the

Yes	No	Not applicable because have not read/seen/hea about Mr. Avenatti
	previous question was yes, plond impartial juror in this case	ease explain why it might be diffic
about legal matters reinstruction to put that	elated to Mr. Avenatti, would	about Mr. Avenatti, including anythy you be able to follow the Court's ad and decide this case based only
1		
Yes	No	* *
Yes Do you or does any 1	member of your family or a c ngs with Ms. Clifford (also kr	have not read/seen/hea about Mr. Avenatti lose friend <u>personally</u> know or ha
Yes Do you or does any roast or present dealir	member of your family or a c ngs with Ms. Clifford (also kr ? (Please circle.)	Not applicable because have not read/seen/hea about Mr. Avenatti lose friend <u>personally</u> know or have nown as "Stormy Daniels") or any
Yes Do you or does any repast or present dealire family members? Yes If the answer to the present dealire family, or a close frience any of her family	member of your family or a cangs with Ms. Clifford (also known)? (Please circle.) Notevious question was yes, played personally know Ms. Clifford (also known).	have not read/seen/hea about Mr. Avenatti lose friend <u>personally</u> know or have nown as "Stormy Daniels") or any
Yes Do you or does any past or present dealing ther family members? Yes If the answer to the part of the part of the family, or a close friendly family members migrangly members migranse. Before today, had you	member of your family or a congs with Ms. Clifford (also known)? (Please circle.) Notevious question was yes, pleand personally know Ms. Clifford personally known in the make it difficult for you to	have not read/seen/hea about Mr. Avenatti lose friend personally know or han nown as "Stormy Daniels") or any No ease state how you, a member of yelationship with her or any of her be a fair and impartial juror in the

1 1.	"Stormy Daniels"),	including about any legal matter that might make it difficult for yo	d about Ms. Clifford (also known as s, have you formed any opinions ou to be a fair and impartial juror in	
	Yes	No	Not applicable because I have not read/seen/heard about Ms. Clifford	
12.	If the answer to the previous question was yes, please explain why it might be difficult for you to be a fair and impartial juror in this case.			
13.	"Stormy Daniels"),	•		
	Yes	No	Not applicable because I have not read/seen/heard about Ms. Clifford	

(The rest of this page is intentionally left blank. Please turn to the next page.)

the me	e lawyers in this case, people who ma	y te	he following people or entities, which include stify at the trial, and other names that may be Please circle any for whom or which the
	Emily Abrams Pamela Baez Robert Baum Elizabeth Beier Thomas Bolus Clark Brewster Christine Carlin Michaela Catando (also known as Kayla Paige) Dmitri Chitov Dwayne Crawford Andrew Dalack Christopher De Grandpre Jennifer Donovan Anna Finkel Mark Geragos Tamara Giwa Jack Guiragosian Holtzbrinck Publishers Luke Janklow Janklow & Nesbit Associates Geoffrey Johnson Global Baristas Katrina Laperuta Sean Macias		Macmillan Publishers Susan McClaran Benjamin Meiselas Travis Miller Mareli Miniutti Erik Nathan Denver Nicks Kevin Carr O'Leary David Padilla Brandon Parraway DeLeassa Penland Matthew Podolsky Pro Tech Security and Automation Judy Regnier Sally Richardson Andrew Rohrbach Security and Automation LLC St. Martin's Press Enrique Santos Robert Sobelman Justin Stone Jessica Volchko Juliet Vicari Donald Vilfer Damian Williams

5.	If you circled any of the entries in the previous question, please describe your familia
	with that person or entity:

		Juror Number:
46.	or entity make it difficult for yo	s in Question 44, would your familiarity with that person ou to be impartial to the parties in this case and to decide idence presented at trial? (Please circle.)
	Yes	No
1 7.	If the answer to the previous que for you to be impartial.	uestion was yes, please describe why it would be difficult

(The rest of this page is intentionally left blank. Please turn to the next page.)

EXPERIENCE WITH THE LEGAL SYSTEM

Have you, or has any cany capacity for a law	lose friend or relative, ever studied or practiced law or worked in office? (Please circle.)
Yes	No
Do you have any opinions about lawyers or the legal professional general interfere with your ability to be a fair and impartial juror in this case? (I	
Yes	No
If the answer to the pre	evious question was yes, please explain:
practicing trial attorney	e in this case that the defendant, Michael Avenatti, was a who filed lawsuits against people and companies. Would that a fair and impartial juror in this case? (Please circle.)
Yes	No
If the answer to the pre	vious question was yes, please explain:
•	of your immediate family has ever brought a lawsuit against yould that experience affect your ability to be fair and impartial in le.)
Yes	No
If the answer to the pre	evious question was yes, please explain:
Have you or has any m trial? (Please circle.)	nember of your immediate family ever appeared as a witness at a
Yes	No
questioned, or appeared	of your close friends or relatives, ever been involved, been das a witness in any investigation, including any investigation by jury or a law enforcement agency? (Please circle.)
Yes	No

57.	Have you ever been a witnes circle.)	ss or a victim in any federal or state prosecution? (Please	
	Yes	No	
58.		r close friends or relatives, ever been the victim of a crime entioned in connection with a previous question)? (Please	
	Yes	No	
59. Have you, or has any of your close friends or relatives, ever been the subject investigation or accusation by any federal or state grand jury? (Please circle			
	Yes	No	
60.	0. Have you, or has any member of your immediate family, ever been a defendant in criminal case or been incarcerated? (Please circle.)		
	Yes	No	
61.	Have you, or has any of your close friends or relatives, ever had any contact with law enforcement officials that has caused you to form strong opinions, either positive or negative, regarding law enforcement? (Please circle.)		
	Yes	No	
62.	If the answer to the previous	s question was yes, please explain:	
63.	Have you, or has any close friend or relative, ever worked for any law enforcement agency, such as the New York City Police Department, the Department of Corrections, the Federal Bureau of Investigation (also known as the "FBI"), the Drug Enforcement Administration (also known as the "DEA"), the Securities and Exchange Commission, the Bureau of Alcohol, Tobacco, Firearms and Explosives (also known as the "ATF"), the United States Marshals Service, the District Attorney, the United States Attorney, the Department of Justice, Probation or Parole, the Bureau of Prisons, or any other such agency? (Please circle.)		
	Yes	No	
64.	· · · · · · · · · · · · · · · · · · ·	e an association with any member of the staff of the United the Southern District of New York? (Please circle.)	
	Yes	No	
65.	Do you have any bias or pre any other law enforcement a	judice for or against the United States Attorney's Office or gency? (Please circle.)	
	Yes	No	

66.	business, ever been involved in of the offices, departments, ag	of your family, either as an individual or in the course of any legal action or dispute with the United States or any encies, or employees of the United States, or had any n or dispute or its outcome? (Please circle.)	
	Yes	No	
67.	Do you know or do you have an association with any member of the staff of the Federal Defenders of New York? (Please circle.)		
	Yes	No	
68.	Do you have any bias or prejuc (Please circle.)	lice for or against the Federal Defenders of New York?	
	Yes	No	
69.	Do you, or do any of your rela or private investigator? (Pleas	ives or close friends, work for a criminal defense attorne e circle.)	
	Yes	No	
70.	Do you have any bias or prejuccircle.)	lice for or against criminal defense attorneys? (Please	
	Yes	No	

(The rest of this page is intentionally left blank. Please turn to the next page.)

Juror	Number:	
JUIUI	mumber.	

BASIC LEGAL PRINCIPLES

those instructions. Do y	sagree with it, and you must determine the facts according to accept this principle, and will you be able to follow the elected to serve on this jury? (Please circle.)
Yes	No
If the answer to the prev	ious question was no, please explain:
the trial and is not requir prove the defendant guil	defendant in a criminal case is presumed innocent at all started to put on any defense at all. The Government is require ty beyond a reasonable doubt on each charge. Do you accell you be able to apply them if selected to serve on this jury
Yes	No
If the answer to the prev	ious question was no, please explain:
and that a juror cannot h	defendant in a criminal case has an absolute right not to test old it against the defendant if he chooses not to testify. Do d will you be able to apply it if selected to serve on this jury
Yes	No
If the answer to the prev	rious question was no, please explain:
lack of evidence present	ed in Court, and not on the basis of conjecture, suspicion, be Do you accept this principle, and will you be able to apply
lack of evidence present sympathy, or prejudice.	w to make his or her decision based solely on the evidence ed in Court, and not on the basis of conjecture, suspicion, be Do you accept this principle, and will you be able to apply jury? (Please circle.) No

Yes	No		
If the answer to the previo	us question was no, please explain:		
evidence from searches. That the evidence obtained any feelings or opinions about the evidence obtained any feelings or opinions about the evidence from searches.	n this case that law enforcement officers recovered certain he Court will instruct you that those searches were legal an from those searches is admissible in this case. Do you have pout searches conducted by law enforcement officers, or the from searches, that would affect your ability to be fair and ease circle.)		
Yes	No		
experiences with expert wi	ony in this case from expert witnesses. Have you had any itnesses, or do you have any general feelings about the use ld affect your ability to be fair and impartial in this case?		
Yes	No		
	Do you have any religious, philosophical, or other beliefs that would make you unable render a verdict in a criminal case? (Please circle.)		
Yes	No		
If the answer to the previous	us question was yes, please explain:		
this case, whether in the m you are <u>forbidden</u> from con this case (or of anyone par You also must not discuss spouse, domestic partner, of now and until you are either trial is complete. When yo	r jury service is complete, you must avoid any discussion redia, on social media, on the Internet, or elsewhere. That is insuming any news media or social media or any discussion reticipating in the case) outside of the courtroom whatsoever this case with anyone. This includes your family, friends, colleagues, and co-workers. These instructions apply from the dismissed from jury selection or chosen as a juror and the pure turn for the next step in jury selection, the Judge will at this instruction. Do you have any reservations or concerns		

No

Yes

	fair, and impartial juror in this	is there <i>any</i> reason that you could <i>not</i> be a consciention case and render a true and just verdict without fear, faing to the law as the Judge will explain it to you? (Pleating to the law as the Judge will explain it to you?)
	Yes	No
	If the answer to the previous qu	uestion was yes, please explain:
	Judge, counsel, and the Defend	answer(s) to remain confidential and to not go beyond ant, because the answer would embarrass you or se your privacy? (Please circle.)
	Yes	No
If the answer to the previous question was yes, please list which question number if necessary, provide a brief explanation of why you wish your answer to remain confidential:		
ı	-	th any of your answers, please use the pages that for ing Declaration to complete the questionnaire.
		DECLARATION
s)	ers set forth in this Jury Question) are true and correct to the best	print name) declare under penalty of perjury that the maire (including any answers set forth on the following of my knowledge and belief. I have not discussed my tance in completing the questionnaire.
_		
, С		Signed this 13th day of January, 2
		Signed this 13th day of January, 2 (signature)

Juror	Number:	
o ui vi	1 umpci .	

You may use the following pages to finish any answers that you could not fit in the spaces provided above. If you write anything below, please indicate the number of the relevant question.		

Juror Number:

Juror Number: